

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 ANTHONY MICHAEL GIOIOSA, SR.,
5 Plaintiff,

6 v.

7 APPOINTMENT OF HEIR AND NOT
8 HEFIERS,

9 Defendants.

Case No. 2:22-cv-00245-RFB-EJY

ORDER

10 I. DISCUSSION

11 On February 8, 2022, Plaintiff, an inmate in the custody of Nevada Department of
12 Corrections, submitted an untitled document to the Court that included his social security number.
13 ECF No 1-1. Plaintiff has not filed a complaint or an application to proceed *in forma pauperis*.

14 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint
15 with the court.” Fed. R. Civ. P. 3. To proceed *in forma pauperis* under 28 U.S.C. § 1915(a)(2) and
16 Local Rule LSR 1-2, which allows an inmate who seeks to commence a civil action without
17 prepaying the \$402 filing fee, the inmate must submit all three of the following documents to the
18 Court:

19 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s
20 approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
22 (i.e. page 4 of this Court’s approved form), and

23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous**
24 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
25 must still submit an inmate account statement for the dates he has been present at the facility.

26 The Court grants Plaintiff a **one-time** extension to file a complaint and a complete application to
27 proceed *in forma pauperis* containing all three of the required documents, on or before **March 24,**
28 **2022**. Absent unusual circumstances, the Court will not grant any further extensions of time. If

1 Plaintiff is unable to file a complaint and a complete application to proceed *in forma pauperis* with
2 all three required documents on or before **March 24, 2022**, this case will be subject to dismissal
3 without prejudice. Plaintiff is free to file a new case with the Court when Plaintiff is able to file a
4 complaint and acquire all three of the documents needed to file a complete application to proceed *in*
5 *forma pauperis*.

6 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
7 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three
8 documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,
9 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the filing
10 fee of \$402 on or before **March 24, 2022**, to proceed with this case.

11 **II. ORDER**

12 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff will submit a complaint
13 to this Court on or before **March 24, 2022**.

14 IT IS FURTHER ORDERED that the Clerk of the Court will redact Plaintiff's social security
15 number in the untitled document (ECF No. 1-1) and hold, but not file the same until Plaintiff submits
16 an *in forma pauperis* application that is accepted by the Court.

17 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved
18 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court
19 will also send Plaintiff a copy of his redacted, untitled document. ECF No. 1-1.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
21 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
22 information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **March 24, 2022**, Plaintiff will either pay the
24 \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee)
25 or file with the Court:

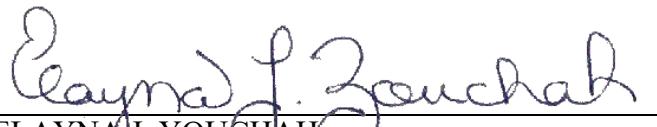
26 (1) a completed Application to Proceed *in forma pauperis* for Inmate on this Court's
27 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
28 3),

1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
2 (i.e. page 4 of this Court's approved form), and
3 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
4 **six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a complete
6 application to proceed *in forma pauperis* with all three documents or pay the \$402 filing fee for a
7 civil action on or before **March 24, 2022**, this case will be subject to dismissal without prejudice for
8 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to file a
9 complaint and has all three documents needed to file a complete application to proceed *in forma*
10 *pauperis* or pays the \$402 filing fee.

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12 Dated this 22nd day of February, 2022.

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15 ELAYNA J. YOUCRAH
16 UNITED STATES MAGISTRATE JUDGE
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